

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Digital Audio Broadcasting Systems)	
And Their Impact on the Terrestrial)	MM Docket No. 99-325
Radio Broadcast Service)	
)	

To: The Commission

COMMENTS OF ENTERCOM COMMUNICATIONS CORP.

**ENTERCOM COMMUNICATIONS
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I. INTRODUCTION

Entercom Communications Corp. (“Entercom”) hereby submits comments in response to the Further Notice of Proposed Rulemaking and Notice of Inquiry, FCC 04-99, issued by the Federal Communications Commission (“*FCC*” or “*Commission*”) on April 20, 2004 in MM Docket No. 99-325 (the “*NPRM*”). The FCC has requested comments on what rule changes are necessary due to the advent of digital audio broadcasting (“DAB”) utilizing iBiquity’s in-band, on-channel (“*IBOC*”) DAB system.

Entercom firmly believes that digital service should not be more burdened by regulations than the existing analog broadcasting services. The FCC should not create restrictions or regulations that would make DAB less attractive than analog service, or create additional regulatory burdens that act as a disincentive for stations to convert to hybrid (analog and IBOC) DAB.

Entercom currently operates 71 FM and 37 AM stations in 20 markets and is highly supportive of iBiquity’s IBOC system. Currently, four Entercom FM radio stations are broadcasting in hybrid DAB mode, with three additional FM stations prepared to commence

hybrid mode transmissions within the next 30 days. The Entercom stations that are currently offering digital service have found the conversion to hybrid service to be a relatively simple process with no serious difficulties. The hybrid service has resulted in minimal disruptions to the stations' analog service and has not been a drain on the stations' resources.

Thus far, one Entercom station, KBSG-FM, has implemented hybrid mode transmissions by utilizing a separate antenna. This yielded the easiest and least expensive installation to date, and the digital coverage has been observed to be comparable to that of the other two Entercom FM's (KISW and KMTT) that are currently transmitting their digital IBOC signals via direct insertion into their co-located master panel antenna system. The fourth Entercom FM station broadcasting in hybrid digital mode is WQSX, which is transmitting the analog and digital signals by the combining technique known as "high level" combining.

Entercom's engineers have generally found that the audio fidelity and the virtual elimination of multipath reception distortions of FM IBOC DAB are clearly superior to analog. Entercom eagerly anticipates the day when terrestrial DAB service will be implemented on a wide scale in order to better serve the public by offering higher fidelity on both the AM and FM bands.

II. THE PACE OF CONVERSION TO DIGITAL OPERATION SHOULD BE MARKET DRIVEN

Entercom believes the Commission should work to finalize its regulatory IBOC rules as quickly as possible in order to remove existing uncertainty regarding the final IBOC regulatory structure. Regulatory uncertainty is clearly a disincentive both to broadcasters who have begun implementation of IBOC DAB, and to those that have yet to decide when to commence deployment of hybrid DAB service. Entercom therefore agrees with the Commission's representation that it "intends to rely on the marketplace to the greatest extent feasible" when

implementing IBOC DAB. NPRM at ¶ 17. The FCC should allow the marketplace, without the impediment of excessive regulation, to set the pace of the conversion from analog to hybrid service.

In contrast to the digital television service, where additional spectrum was allocated for digital television signals with provision made for the eventual recovery of the related analog spectrum, there will be no recovered spectrum in the conversion to hybrid DAB service, and Entercom therefore does not support a mandatory conversion schedule such as was mandated for digital television. Furthermore, there are far more radio receivers in use than there are television receivers, and the speed with which a particular station's listeners replace those receivers varies greatly, but will likely be better determined by the station's licensee. For these reasons, Entercom believes that broadcasters should be allowed to determine for themselves the pace at which DAB service is implemented on their respective radio stations.

III. MINIMUM QUALITY OF DIGITAL SERVICE

Radio stations compete for additional listeners through competition in the marketplace. IBOC digital service will provide superior service, and therefore, competitive advantages to those choosing to implement digital transmissions. However, broadcasters should retain the flexibility of electing the level of fidelity that is appropriate for their particular programming and the audience served. The FCC does not regulate the quality of existing analog programming; setting specific demands on the quality of digital transmissions is not appropriate for the wide variety of radio formats currently deployed. For example, higher quality digital radio service is not as necessary for news and talk formats as it is for music and entertainment oriented formats, and some broadcasters may find it more appropriate to adjust their audio program fidelity in

order to provide additional data services to better serve their listeners. Entercom submits that the Commission should allow the marketplace to determine the level of the quality of digital audio service offered by individual broadcasters.

IV. MULTICASTING

Entercom believes that the FCC should allow broadcasters to be able to offer multiple audio streams using IBOC technology. Entercom submits that the specific usage of a digital transmission system should be left to, and exercised as a component of, a licensee's individual discretion in serving its audience and the public interest. The FCC currently allows broadcasters to offer multiple program services using analog subsidiary communications authorizations ("SCA"); the IBOC digital supplemental audio channels should be considered as a digital upgrade to the existing ability to offer such SCA-based audio services.

The Commission should also continue to allow broadcasters to make available to unaffiliated programmers their unused transmission capacity. Currently, stations may lease SCA capacity to outside programmers who frequently develop niche programming that would otherwise not be economically viable targeting specific micro-audiences. This same philosophy should be applied in the realm of DAB. Broadcasters should be permitted to make available any supplemental audio channels to unaffiliated programmers interested in developing services that serve the interests of particular niche groups that might otherwise be too narrowly tailored to be viable on a broad scale. This approach can foster diversity and promote the introduction of many new and innovative services for the public that might otherwise be precluded by the economic demands of the general market.

V. DATACASTING

Entercom strongly believes that the Commission should allow broadcasters to offer a

wide variety of programming and other services, including datacasting, within their allotted IBOC spectrum. Like existing SCA-based services, these services should not be subject to regulatory fees. Entercom recognizes that new regulatory fees have been imposed for digital television datacasting services; however, in contrast to digital television, no additional spectrum is being allocated for digital radio and additional fees are therefore not justifiable when licensees elect whether to offer innovative services within spectrum already subject to an established annual fee. Indeed, the imposition of fees at this early stage of development for digital datacasting could deter broadcasters and entrepreneurs alike from developing and deploying datacasting technologies, frustrating the full realization of IBOC's potential.

VI. SUBSCRIPTION SERVICES

Entercom urges the FCC to permit licensees to offer subscription based audio and/or data services within IBOC DAB transmissions. Entercom believes that new services may not initially be economically viable without a subscription-supported structure, and that the public interest will benefit from the flexibility that a fee-supported system can provide in the development of new technologies.

The FCC should not impose a fee on any subscription services offered by licensees, however. Existing analog SCA subscription-based services are not subject to such fees. The Commission's imposition of fees for similar digital television services does not require the same treatment for radio; indeed, the significant differences in the development of digital service for television and radio fully support different treatment for radio. The FCC's primary concern with digital television was that broadcasters had received new spectrum and that the use of that spectrum for data services would put television broadcasters at a competitive advantage over other entities that had acquired their spectrum at FCC auctions. Because radio broadcasters do not receive new spectrum to implement DAB, there is no "windfall" for radio broadcasters who

choose to offer datacasting services. The imposition of regulatory fees on subscription-based services of any nature, including datacasting, is therefore not justifiable – how a licensee utilizes spectrum for which a regulatory fee is already assessed should remain within its sole discretion and free from any confiscatory tax on such operations.

VII. STATION IDENTIFICATION

Entercom opposes the issuance of separate call signs for separate audio streams. Call signs should identify individually licensed stations. While stations will likely find it necessary to identify various sub-services for marketing purposes, how they do this should be left to individual licensees and the marketplace. Commission assigned call signs may not be the best means of branding such and, in fact, may confuse, rather than facilitate, service identification. Entercom notes that the Commission has not required separate call signs for existing analog SCA services. Digital operations require no different treatment.

VIII. AM NIGHTTIME IBOC DAB SERVICE

As licensee of 37 AM stations, Entercom supports the introduction of permanent authorization of nighttime digital AM service. Digital AM radio service in the standard AM band and in the expanded AM band offers the ability to deliver superior quality broadcast material and may further facilitate the return of music formats in the AM band. AM stations with significantly reduced nighttime power levels know how quickly audiences drop off in evening hours. In the same manner, if the quality of service declines as a result of the inability to offer digital service at night, the success of revitalizing AM radio will be substantially compromised.

Entercom acknowledges that there is some concern about the potential for increased interference to existing analog broadcasts, but believes that any such interference will be limited

and will be greatly outweighed by the improved quality that digital AM IBOC can afford.

Entercom submits that there is sufficient information in the record to allow the Commission to authorize full-time AM IBOC service.

IX. SEPARATE ANTENNAS

The FCC has previously sought comments on the findings of the National Association of Broadcasters set forth in a report of the NAB-sponsored *ad hoc* technical group submitted to the Commission in July 2003. Entercom's Vice President for Engineering was a participant in that technical group.

Within the recommendations of that group, Entercom supports the permanent authorization of separate analog and IBOC digital antennas for FM broadcasters. Such use should not require prior Commission approval, whether through Special Temporary Authority or otherwise. Such separate antennas provide broadcasters incentives to convert to DAB, including a lower cost option for the conversion to digital radio and increase the flexibility of options available to stations.

Entercom endorses the FCC's proposal that there be a presumption that antenna changes may be made so long as the change is coordinated with adjacent channel stations. Such a presumption will also further the orderly conversion to digital radio service, while reducing any issues that might develop due to such adjacent channel stations.

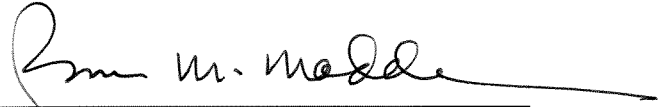
The FCC should delegate authority to the Media Bureau to authorize future digital radio innovations. It is likely that there will be additional innovations that will dramatically expand and improve the implementation of IBOC digital transmissions. The Media Bureau has the expertise to analyze innovative proposals and implement them in a faster time frame than would be the case if every innovation were subject to full Commission review.

X. CONCLUSION

Entercom respectfully submits that the Commission act so that its IBOC rules both facilitate and encourage the prompt and full implementation of IBOC, and that it refrain from imposing overly burdensome and unnecessary regulations that delay the introduction of IBOC DAB by licensees, and the innovation of new services in the public interest. Entercom urges that the Commission allow the marketplace to govern, to the greatest extent practicable, the pace and extent of the implementation of IBOC DAB to this end.

Respectfully submitted,

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A handwritten signature in dark ink, appearing to read "Brian M. Madden", is written over a horizontal line.

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